

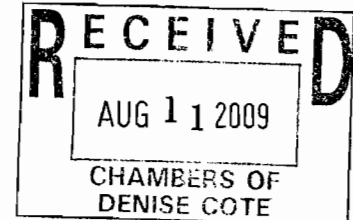
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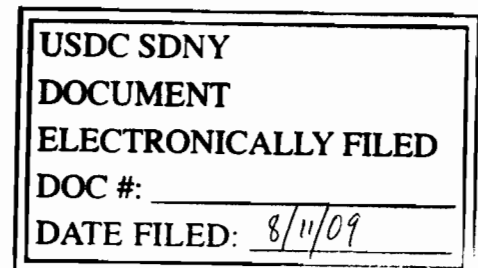
MEMO ENDORSED



August 10, 2009

VIA HAND DELIVERY

Honorable Denise L. Cote
United States District Court
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007



Re: *Andreas Pefanis, et al., v. Westway Diner, Inc.*
Index No.: 08CIV002 (DC)

Dear Judge Cote:

We represent Plaintiffs in the above-captioned matter. On August 7, 2009, the Court granted Plaintiffs' motion for class certification and ordered the Parties to submit a proposed discovery schedule, proposed notice and a proposed order on or before this Friday, August 14, 2009. I write on behalf of both parties to respectfully request an extension this deadline. The parties have agreed to schedule a settlement conference before Magistrate Judge Eaton and believe that it would be useful to put off the mailing of notices and any further litigation pending the outcome of the settlement conference. Accordingly, the parties request that the Court allow the parties to submit the proposed discovery schedule, proposed order, and proposed notice to class members on or before seven (7) days following the settlement conference. In any event, the parties will update the Court regarding our progress on or before September 10, 2009.

*The parties must contact Magistrate Judge
Eaton no later than August 14, 2009 to
schedule settlement discussions. In the
event there is no settlement, the proposed
discovery schedule and class notice
must be submitted by October 2, 2009.
Denise Cote
August 11, 2009*

Thank you for your attention to this matter.

Respectfully submitted,

JOSEPH, HERZFELD, HESTER & KIRSCHENBAUM LLP

By: 
D. Maimon Kirschenbaum

cc: Arthur Forman, Esq.